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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,072	09/21/2000	Jin Soo Lee	P-128	9016
34610	7590	01/26/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			TRAN, PHILIP B	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Appli ation No.	Applicant(s)	
	09/667,072	LEE ET AL.	
	Examiner	Art Unit	
	Philip B Tran	2155	

-- The MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

1. This office action is in response to the amendment filed on 09/07/2004. Claims 1-12 have been canceled. Claims 13-18 have been newly added. Therefore, pending claims 13-18 are presented for further examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al (Hereafter, Sezan), U.S. Pat. No. 6,236,395 in view of Zhu et al (Hereafter, Zhu), U.S. Pat. No. 6,345,274.

Regarding claim 13, Sezan teaches a method of describing a user profile to describe user preferences pertaining to navigation of and access to multimedia content, comprising providing user preference information for the user profile, and incorporating a browsing information in the user preference information, wherein the browsing information includes at least one browsing criterion, which may be differently described according to a type of multimedia (= a user description scheme provides information regarding the user's preferences for using in combination with other description schemes to enhance ability to search and browse audiovisual information in a personalized and effective manner) [see Abstract and Col. 1, Lines 55-67 and Col. 5, Line 37 to Col. 6, Line 22 and Col. 11, Lines 7-22 and Col. 21, Line 30 to Col. 24, Line 33].

Sezan does not explicitly teach the browsing information includes at least one browsing criterion such as a weight value indicating relative priority or weight assigned to said browsing criterion. Zhu, in the same field of multimedia content processing and retrieval related to user's preferences endeavor, discloses the use of weight value in description scheme related to user's preferences [see Zhu, Col. 1, Line 25 to Col. 2, Line 12 and Col. 6, Lines 4-35]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of weight value in description scheme, disclosed by Zhu, into user-preferred application description scheme stored in the user profile disclosed by Sezan in order to indicate user preferences regarding the relative importance of that features such as color, texture, structure and composition for processing a query [see Zhu, Col. 2, Lines 5-19]. Thus,

multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences.

Regarding claim 14, Sezan further teaches the method of claim 13, wherein each of browsing criteria is structured hierarchically [see Col. 22, Line 5 to Col. 24, Line 11].

Regarding claim 15, Sezan teaches a method of describing user preference pertaining to navigation of and access to multimedia content, comprising describing a plurality of summary preferences based on a type of multimedia data (= a user description scheme provides information regarding the user's preferences for using in combination with other description schemes to enhance ability to search and browse audiovisual information in a personalized and effective manner) [see Abstract and Col. 1, Lines 55-67 and Col. 5, Line 37 to Col. 6, Line 22 and Col. 11, Lines 7-22 and Col. 21, Line 30 to Col. 24, Line 33].

Sezan does not explicitly teach a weight value indicating relative priority or weight is assigned to each of the plurality of summary preferences. Zhu, in the same field of multimedia content processing and retrieval related to user's preferences endeavor, discloses the use of weight value in description scheme related to user's preferences [see Zhu, Col. 1, Line 25 to Col. 2, Line 12 and Col. 6, Lines 4-35]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of weight value in description scheme, disclosed by Zhu, into user-preferred application description scheme stored in the user profile disclosed by

Sezan in order to indicate user preferences regarding the relative importance of that features such as color, texture, structure and composition for processing a query [see Zhu, Col. 2, Lines 5-19]. Thus, multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences.

Regarding claim 16, Sezan further teaches the method of claim 15, wherein the plurality of summary preferences is structured hierarchically [see Col. 22, Line 5 to Col. 24, Line 11].

Claims 17-18 are rejected under the same rationale set forth above to claim 15-16, respectively.

### ***Response to Arguments***

4. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as shown in the

following section. With respect to Sezan, applicant seems to argue points the examiner has already construed Sezan does not explicitly teach while restricting the arguments on the Sezan-Zhu combined to arguments of no motivation.

Sezan teaches a method of describing a user profile to describe user preferences pertaining to navigation of and access to multimedia content, comprising providing user preference information for the user profile, and incorporating a browsing information in the user preference information, wherein the browsing information includes at least one browsing criterion, which may be differently described according to a type of multimedia. For example, Sezan discloses a user description scheme provides information regarding the user's preferences for using in combination with other description schemes to enhance ability to search and browse audiovisual information in a personalized and effective manner [see Sezan, Abstract and Col. 1, Lines 55-67 and Col. 5, Line 37 to Col. 6, Line 22 and Col. 11, Lines 7-22 and Col. 21, Line 30 to Col. 24, Line 33]. Sezan does not explicitly teach the browsing information includes at least one browsing criterion such as a weight value indicating relative priority or weight assigned to said browsing criterion. Zhu discloses the use of weight value in description scheme related to user's preferences [see Zhu, Col. 1, Line 25 to Col. 2, Line 12 and Col. 6, Lines 4-35]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of weight value in description scheme, disclosed by Zhu, into user-preferred application description scheme stored in the user profile disclosed by Sezan in order to indicate user preferences regarding the relative importance of that features such as color, texture, structure and composition for

processing a query [see Zhu, Col. 2, Lines 5-19]. Thus, multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. See **In re Nomiya, 184 USPQ 607 (CCPA 1975)**. However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. See **In re McLaughlin, 170 USPQ 209 (CCPA 1971)**. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. See **In re Bozek, 163 USPQ 545 (CCPA) 1969**. Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. See **In re Bode, 193 USPQ 12 (CCPA 1977)**. In this case, the reason for combining reference Sezan and Zhu is that to indicate user preferences regarding the relative importance of features such as color, texture, structure and composition for processing a query [see Zhu, Col. 2, Lines 5-19]. Thus, multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences.



In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

As a result, cited prior art does disclose a system and method as broadly claimed by the applicant. Applicant has still failed to identify specific claimed limitations that would define a clearly patentable distinction over prior arts. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter recited in independent claims. Dependent claims are also rejected at least by virtue of dependency on independent claims and by other reasons shown above. Accordingly, claims 13-18 are respectfully rejected.

#### ***Other References Cited***

5. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Herz, U.S. Pat. No. 6,029,195, discloses evaluation of the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects in a hierarchical manner.

B) Herz, U.S. Pat. No. 6,460,036, discloses evaluation of the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects in a hierarchical manner.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (571) 272-3978.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Philip Tran*  
Philip Tran  
Art Unit 2155  
Jan 10, 2005

*Bharat Barot*  
BHARAT BAROT  
PRIMARY EXAMINER